Appendix H5. Agency Correspondence regarding the Federal and California Endangered Species Acts

Appendix H5. Agency Correspondence regarding the Federal and California Endangered Species Acts

The following letters document the correspondence on the Delta Wetlands (DW) project from the U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service (USFWS), and National Marine Fisheries Service (NMFS) in compliance with the consultation requirements of Section 7 of the federal Endangered Species Act for fish and wildlife species. No formal opinion on the DW project was ever issued by the California Department of Fish and Game (DFG) pursuant to the California Endangered Species Act. This appendix includes:

- USFWS letter of February 21, 1990, commenting on the original DW biological assessment (BA) for wildlife species (October 27, 1989) (see updated BA in Appendix H3);
- Corps letter of April 16, 1990, transmitting the 1989 BA and requesting concurrence that the DW project would not likely adversely affect the species evaluated;
- USFWS letter of April 27, 1990, concurring with the Corps' assessment and terminating consultation;
- USFWS letter of November 12, 1992, providing an updated list of species listed or proposed for listing under the federal Endangered Species Act for compliance with the federal Endangered Species Act consultation requirements;
- DFG letter of December 16, 1992, updating the list for compliance with the California Endangered Species Act consultation requirements;
- NMFS letter of August 31, 1994, updating the list for compliance with the federal Endangered Species Act consultation requirements;

- DFG letter of October 11, 1994, updating the list for compliance with the California Endangered Species Act consultation requirements; and
- USFWS letter of October 24, 1994, updating the list for compliance with the federal Endangered Species Act consultation requirements.

-06241



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Fish and Wildlife Enhancement Sacramento Field Office 2800 Cottage Way, Room E-1823 Sacramento, California 95825-1846

In Reply Refer To: 1-1-90-TA-332

February 21, 1990

Mr. Jordan Lang Jones & Stokes Associates, Inc. 1725-23rd Street Suite 100 Sacramento, Californía 95816

Subject:

Draft Biological Assessment for the Proposed Delta Storage Project, (Corps of Engineers, Sacramento District, Public

Notice No. 9804)

Dear Mr. Lang:

We have reviewed draft document, dated October 27, 1989, and concur with your assessment of the proposed project's impacts on the federally listed threatened valley elderberry longhorn beetle (Desmocerus californicus dimorphus), and endangered bald eagle (Haliaeetus leucocephalus), American peregrine falcon (Falco peregrinus anatum), and Aleutian Canada goose (Branta canadensis leucopareia). We understand that the Corps of Engineers will transmit the final biological assessment for this project to the Fish and Wildlife Service in accordance with 50 CFR § 402.12 (j).

You should contact the National Marine Fisheries Service for comments on winter-run chinook salmon issues addressed in the biological assessment.

Please contact Peggie Kohl at 916/978-4866 (FTS 460-4866) if you have any questions regarding this response.

Sincerely.

Wayne S. White Field Supervisor



DEPARTMENT OF THE ARMY

SACRAMENTO DISTRICT, CORPS OF ENGINEERS 650 CAPITOL MALL SACRAMENTO, CALIFORNIA 95814-4794

April 16, 1990

Regulatory Section (019804)

Mr. Wayne S. White Field Supervisor U.S. Fish and Wildlife Service Enhancement Sacramento Office 2800 Cottage Way, Room E-1803 Sacramento, California 95825

Dear Mr. White:

This letter constitutes informal consultation under Section 7 of the Endangered Species Act concerning the proposed Delta Wetlands project to flood four islands in the Sacramento-San Joaquin Delta for the purpose of storing water and operating waterfowl hunting clubs.

Public Notice Number 9804 has been assigned to this file. Jones & Stokes Associates, Inc., consultant preparing the joint environmental impact statement/environmental impact report, has submitted a draft Biological Assessment for the Delta Wetlands Project dated October 27, 1989 under separate cover for your The assessment evaluates potential project impacts on the following species of concern to your agency: bald eagle, American peregrine falcon, Aleutian Canada goose, and valley elderberry longhorn beetle.

The assessment concludes and we concur that the project would not likely adversely affect the species evaluated. We request your written concurrence with our findings. In the event that you do not agree with the conclusions reached, please contact our agency prior to May 18, 1990.

If you have questions or require additional information, please contact Jean Elder in our Regulatory Section at the letterhead address or by telephone at (916) 551-2270.

Sincerely,

Art Champ Chief, Regulatory Section

Copies Furnished:

Mr. John Winther, Delta Wetlands, 36977 Mount Diablo Boulevard,

Suite 120, Lafayette, California 94549

Mr. Jordan Lang, Jones & Stokes Associates, Inc., 1725 23rd

Street, Suite 100, Sacramento, California 95816

Mr. Jim Canaday, State Water Resources Control Board, P.O. Box 100, Sacramento, California 95801



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Fish and Wildlife Enhancement Sacramento Field Office 2800 Cottage Way, Room E-1823 Sacramento, California 95825-1846

In Reply Refer To: 1-1-90-I-671

April 27, 1990

Mr. Art Champ Corps of Engineers, Sacramento District Regulatory Functions Branch 650 Capitol Mall Sacramento, California 95814-4794

Subject: Public Notice No. 9804, Delta Wetlands Project

Dear Mr. Champ:

This responds to your April 16, 1990, request for our concurrence that the proposed project is not likely to adversely affect the following federally listed threatened and endangered species: bald eagle, Aleutian Canada goose, American peregrine falcon, and valley elderberry longhorn beetle.

We had previously reviewed and provided comments on the draft biological assessment for this project, referenced in your letter. Based upon the information contained in the assessment we concur with your conclusion that the proposed project is unlikely to adversely affect the species you requested that we address. Therefore, in accordance with 50 CFR § 402.13, consultation pursuant to Section 7 of the Endangered Species Act, as amended, is terminated for those federally listed species that come under the purview of the Fish and Wildlife Service.

This response does not address the federally listed winter-run chinook salmon (Oncorhynchus tshawytscha) also found in the Delta. You will need to consult with the National Marine Fishery Service on this issue since they are responsible for this species.

We recommended against authorization of this project in our Fish and Wildlife Coordination Act report because of the impacts it would have on other fish and wildlife resources, including candidate species such as the Delta smelt (Hypomesus transpacificus). This response only addresses compliance with the Endangered Species Act, as amended and, therefore, should not be construed as the position of the Fish and Wildlife Service on this proposal.

Please contact Peggie Kohl at 916/978-4866 (FTS 460-4866) if you have any questions regarding this response.

Sincerely,

Wayne ∜S. White Field Supervisor



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Fish and Wildlife Enhancement
Sacramento Field Office
2800 Cottage Way, Room E-1803
Sacramento, California 95825-1846

In Reply Refer To: 1-1-92-TA-1343

November 12, 1992

Mr. Jordan Lang Project Manager Jones and Stokes Associates, Inc. 2600 V Street, Suite 100 Sacramento, California 95818-1914

Subject: Updated Species List for the Proposed Delta Wetlands' Delta Island Project, Lafayette, Contra Costa County, California

Dear Mr. Lang:

The enclosed updated list replies to your letter of September 4, 1992, requesting information on listed and proposed endangered and threatened species that may occur within the proposed planning area (Enclosure A). Some pertinent information concerning the distribution, life history, habitat requirements, and published references for the listed species is also enclosed.

Information and maps concerning candidate species in California are available from the California Natural Diversity Data Base, a program of the California Department of Fish and Game. Address your request to: Marketing Manager, California Department of Fish and Game, Natural Diversity Data Base, 1416 Ninth Street, Sacramento, California 95814 [(916) 324-0562]. You should also request additional information from the Chief, California Department of Fish and Game, Non-Game Heritage Program (916) 324-8348.

All listed species identified in Enclosure A are fully protected under the mandates of the Endangered Species Act (Act), as amended. Section 9 of the Act and its implementing regulations prohibit the "take" of a federally listed wildlife species. Take is defined by the Act "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such wildlife species. Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR § 17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding, or carrying out of this project, then initiation of formal consultation between that agency and the Service pursuant to Section 7 of the Act is required if it is determined that the proposed project may affect a federally listed species. Such consultation would result in a biological opinion that addresses anticipated effects of the project to listed and proposed species and may authorize a limited level of incidental take. If a Federal agency is not involved with the project, and federally listed species may be taken as part of the project, then an "incidental take" permit pursuant to Section 10(a) of the Act should be obtained. The Service may issue such a permit upon completion by the permit applicant of a satisfactory conservation plan for the listed species that would be affected by the project.

Because federally listed species may be found in the project area, we recommend that surveys for them be undertaken by qualified biologists during or prior to the environmental review process. We also recommend that surveys

be undertaken for the candidate species included in Enclosure A. The results of these surveys should be published in any environmental documents prepared for this project.

Should these surveys determine that federally listed species occur in the area and are likely to be affected by the proposed project, the Service recommends that the project proponent, in consultation with this office and the California Department of Fish and Game, develop a plan that mitigates for the project's direct and indirect impacts to listed species and compensates for project-related loss of habitat. The mitigation plan also should be included in the environmental document.

Should you determine that a proposed species may be adversely affected, then you should consider necessary planning alternatives should a proposed species become listed before completion of a project.

We also recommend addressing adverse impacts to candidate species. One of the benefits of considering these species early in the planning process is that by exploring alternatives, it may be possible to avoid conflicts that could develop, should a candidate species become listed before the project is complete.

We appreciate your concern for endangered species. If you have further questions, please call Laurie Stuart Simons of at (916) 978-4866. For questions concerning the threatened winter-run chinook salmon, please contact Jim Lecky, Endangered Species Coordinator, at the National Marine Fisheries Service, Southwest Region, 501 West Ocean Boulevard, Suite 4200, Long Beach California 90802-4213, or call him at (310) 980-4015.

Sincerelv

Wayne S. White Field Supervisor

Enclosures

cc: FWS-SFO (Wetlands), Sacramento, CA

ENCLOSURE A

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES THAT MAY OCCUR IN THE AREA OF THE PROPOSED DELTA WETLANDS' DELTA ISLAND PROJECT, LAFAYETTE, CONTRA COSTA COUNTY, CALIFORNIA (1-1-92-TA-1343, NOVEMBER 12, 1992)

<u>Listed Species</u>

Fish

winter-run chinook salmon, Oncorhynchus tshawytscha (T)

Rirds

bald eagle, Haliaeetus leucocephalus (E) American peregrine falcon, Falco peregrinus anatum (E) Aleutian Canada goose, Branta canadensis leucopareia (T)

Plante

Antioch Dunes evening-primrose, Oenothera deltoides ssp. howellii (E)

Proposed Species

Fish

delta smelt, Hypomesus transpacificus (PT)

Reptiles

giant garter snake, Thamnophis gigas (PE)

Candidate Species

Fish

Sacramento perch, Archoplites interruptus (2) Sacramento splittail, Pogonichthys macrolepidotus (2) green sturgeon, Acipenser medirostris (2R) longfin smelt, Spirinchus thaleichthys (2R)

Amphibians

California tiger salamander, Ambystoma californiense (2) California red-legged frog, Rana aurora draytonii (1.)

Reptiles

northwestern pond turtle, Clemmys marmorata marmorata (2)

Birds

California black rail, Laterallus jamaicensis coturniculus (1) tricolored blackbird, Agelaius tricolor (2)

Mammals

" San Joaquin Valley woodrat, Neotoma fuscipes riparia (2)

Invertebrates

Sacramento Valley tiger beetle, Cicindela hirticollis abrupta (2R) curved-foot hygrotus diving beetle, Hygrotus curvipes (2) (2) Ciervo aegialian scarab beetle, Aegialia concinna (1) San Joaquin dune beetle, Coelus gracilis (1) Sacramento anthicid beetle, Anthicus sacramento (2) Antioch Dunes anthicid beetle, Anthicus antiochensis (2) Antioch cophuran robberfly, Cophura hurdi (2) Antioch efferian robberfly, Efferia antiochi (2) yellow-banded andrenid bee, Perdita hirticeps luteocincta (2)

Invertebrates continued
Antioch andrenid bee, Perdita scitula antiochensis (2)
Antioch mutillid wasp, Myrmosula (myrmosa) pacifica (2)
Antioch sphecid wasp, Philanthus nasalis (2)
Middlekauf's shieldback katydid, Idiostatus middlekauffi (2)

Plants

Suisun aster, Aster chilensis var. lentus (2) slough thistle, Cirsium crassicaule (2) delta coyote-thistle, Eryngium racemosum (1) California hibiscus, Hibiscus californicus (2) delta tule-pea, Lathyrus jepsonii ssp. jepsonii (2) Mason's liliaeopsis, Lilaeopsis masonii (2) Brewer's dwarf-flax, Hesperolinon breweri (2) Hinds' walnut, Juglans hindsii (2)

(E)--Endangered (T)--Threatened (P)--Proposed (CH)--Critical Habitat (1)--Category 1: Taxa for which the Fish and Wildlife Service has sufficient biological information to support a proposal to list as endangered or threatened.

(2)--Category 2: Taxa for which existing information indicated may warrant listing, but for which substantial biological information to support a proposed rule is lacking.

(1R)-Recommended for Category 1 status.

(2R)-Recommended for Category 2 status.

(*)--Listing petitioned. (*)--Possibly extinct.

DEPARTMENT OF FISH AND GAME

REGION 2
1701 NIMBUS ROAD, SUITE A
RANCHO CORDOVA, CALIFORNIA 95670
(916) 355-7020



December 16, 1992

Mr. Kenneth M. Bogdan Jones & Stokes Associates, Inc. 2600 V Street, Suite 100 Sacramento, California 95818-1914

Dear Mr. Bogdan:

In response to your request regarding sensitive species associated with the Delta Wetlands Project, we have enclosed an updated list for your use.

If you have further questions, please contact Mr. Jerry Mensch, Environmental Services Supervisor, telephone (916) 355-7030.

Sincerely,

Bruco Barngroner

James D. Messersmith Regional Manager

Enclosure

cc: Ms. Jean Elder

U.S. Army Corps of Engineers

Mr. Jim Canaday

State Water Resources control Board

Mr. Jerry Mensch

Department of Fish and Game Rancho Cordova, California

Listed or Candidate Plants and Animals in the Delta

<u>Birds</u>

<u>Species</u>	<u>Status</u>
Aleutian Canada goose Tule White fronted goose Swainson's hawk Bald eagle Peregrine falcon Greater sandhill crane Black rail Yellow-billed cuckoo Tricolored blackbird Burrowing owl Suisun song sparrow Northern harrier	FE FC ST SE, FE SE, FE ST ST ST FC SC FC, SC SC
Salt marsh yellowthroat	FC

<u>Mammals</u>

Riparian	brush rabbit	FC
Riparian	woodrat	FC

Reptiles

Western pond turtle FC,SC

<u>Plants</u>

<u>Species</u>

Delta tule pea	FC
Mason's lilaeopsis	SR
California hibiscus	FC
Crampton's orcuttia	FE,SE
Contra Costa baeria	FC
Slough thistle	FC
Suisun marsh aster	FC
Delta button celery	FC,SE
Sanford's arrowhead	FC
Suisun thistle	FC
Contra Costa wallflower	FE, SE
Antioch dunes evening primrose	FE,SE

Invertebrates

Lange's	s metalmark	butterfly	FE
Delta d	reen ground	d beetle	\mathbf{FT}

Valley elderberry longhorn beetle FT Antioch anthicid beetle FC Sacramento anthicid beetle FC

<u>Fish</u>

Winter-run chinook salmon	FT, SE
Delta smelt	FC,SC
Sacramento splittail	FC, SC
Longfin smelt	SC ¹
Sacramento perch	FC

S=State F=Federal T=Threatened E=Endangered R=Rare C=Candidate SC=Species of special concern



UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southwest Region 501 West Ocean Boulevard, Suite 4200 Long Beach, California 90802-4213 TEL (310) 980-4000; FAX (310) 980-4018 F/SW03:GRS

AUG 3 | 1994

Mr. Kenneth M. Bogdan Jones & Stokes Associates, Inc. 2600 V Street, Suite 100 Sacramento, California 95818-1914

Dear Mr. Boqdan:

Thank you for requesting information regarding the presence of Federally listed threatened or endangered species or critical habitat that may be affected by the Delta Wetlands Project.

Available information indicates that the Sacramento River winterrun chinook salmon, which the National Marine Fisheries Service recently determined should be reclassified as an endangered species, may occur at the proposed project site. However, there is no designated critical habitat for this species at the proposed project site. The U.S. Fish and Wildlife Service should be contacted regarding the presence of listed species that may be under its jurisdiction.

If you have questions concerning these comments, please contact Mr. Gary Stern at (707) 578-7513.

Sincerely,

Rodney R. McInnis

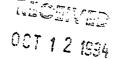
Acting Regional Director

Rodney RM c Amis

Jim Monroe, COE-Sacramento District



DEPARTMENT OF FISH AND GAME 1701 Nimbus Road Rancho Cordova, California 95670 (916) 355-7102





October 11, 1994

Mr. Kenneth Bogdan Jones and Stokes 2600 V Street, Suite 100 Sacramento, California 95818

Dear Mr. Bogdan:

This is a follow-up to your August 23, 1994 request for an updated list of species which may occur within the area encompassed by the project area map (attached) and which, pursuant to the California Endangered Species Act (CESA), should be addressed in the State Water Resources Control Board's (SWRCB) Biological Assessment (BA) for the Delta Wetlands Project.

Based on our review, we have determined that 47 endangered, threatened, candidate, and rare plant and animal species could occur in the area encompassed by your map. This total consists of 10 bird species, 2 mammal species, 8 fish species, 2 amphibian species, 3 reptile species, 11 species of plants, and 11 invertebrates (Table 1).

The Delta Wetlands project may also affect areas upstream and downstream of the project area by virtue of upstream changes in reservoir operations or reductions in Delta outflow that may result from the project. Water made available from the project to service areas of the State or Federal water projects could also affect listed and candidate species in those areas. Table 2 presents a partial list of those species. A more comprehensive list of federal species of concern can be obtained from the U.S. Fish and Wildlife Service.

Although State agency consultation under CESA specifically addresses only State-listed endangered and threatened species, we have also included species which are listed or candidate under the Federal Endangered Species Act (ESA) but not listed by the State. We recommend that the BA address these species as well to ensure that the assessment will be as complete as possible.

My staff and other Department of Fish and Game (DFG) staff are available to assist you and the SWRCB as part of the informal consultation process. I understand the SWRCB's desire to complete the BA so that it can be included with the draft EIR/EIS and facilitate the completion of formal consultation with the DFG next year.

Mr. Kenneth Bogdan Page Two

OCT 11 (50)

We look forward to coordinating with you in a manner which will assure that the DFG is provided with the information needed to issue an opinion pursuant to Section 2090 of CESA and form the basis for a 2081 Management Authorization and Memorandum of Understanding with the project proponent, Delta Wetlands Inc. Should you or your staff have any questions about the attached lists or wish to arrange future meetings to discuss CESA consultation, please contact Mr. Frank Wernette with our Bay-Delta and Special Water Projects Division at (209) 948-7800 or CALNET 8-423-7800.

Sincerely,

L. Ryan Broddrick Regional Manager

Region 2

Attachments

cc: See Attached Distribution List

JT/Frank Wernette/Perry Herrgesell/fs

PH94F381.fs

Distribution List:

Department of Fish and Game

Bay-Delta and Special Water Projects Division 4001 N. Wilson Way Stockton, California

Dr. Perry L. Herrgesell
Mr. Frank Wernette

1416 Ninth Street Sacramento, California

> Mr. Dave Showers Environmental Services Division

> Mr. Jim White Environmental Services Division

Ms. Deborah McKee
Inland Fisheries Division

1701 Nimbus Road Rancho Cordova, California

Ms. Cindy Chadwick

U.S. Fish and Wildlife Service 2800 Cottage Way Sacramento, California 95825

> Mr. Joel Medlin Ms. Cay Goude Mr. Michael Thabault

Mr. Gary Stern National Marine Fisheries Service 777 Sonoma Avenue, Room 325 Santa Rosa, California 95404-6528

Mr. Jim Monroe U. S. Army Corps of Engineers 1325 J Street Sacramento, California 95184-2992

Mr. Jim Sutton
State Water Resources Control Board
P.O. Box 2000
Sacramento, California 95810

Mr. Patrick Wright
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105

Table 1. State and Federal-Listed Endangered, Threatened, Candidate, and Rare Species that Occur within the Project Area of the Proposed Delta Wetlands Project.

Spec	BIRDS cies	Stat	<u>us</u>
1.	Bald eagle Haliaeetus leucocephalus	SE,	FT
2.	American peregrine falcon Falco peregrinus anatum	SE,	FE
3.	Swainsons's hawk Buteo swainsoni	ST	
4.	Greater sandhill crane Grus canadensis tabida	ST	
5.	California black rail Laterallus jamaicensis coturniculus	ST,	FC
6.	Bank swallow Riparia riparia	ST	
7.	Western yellow-billed cuckoo Coccyzus americanus occidentalis	SE,	FC
8.	Aleutian Canada goose Branta canadensis leucopareia	FT	
9.	Tricolored blackbird Agelaius tricolor	FC	
10.	Loggerhead Shrike Lanius ludovicianus	FC	
	MAMMALS	*	
1.	Riparian brush rabbit Sylvilagus bachmani riparius	SE	
2.	Riparian woodrat Neotoma fuscipes riparia	FC	

FISHES

Spe	<u>cies</u>	Stat	tus ^{1/}
1.	Winter-run Chinook salmon Oncorhynchus tshawytscha	SE,	FE
2.	Delta smelt Hypomesus transpacificus	ST,	FT
3.	Sacramento perch Archoplites interruptus	FC	
4.	Sacramento splittail Pogonichthys macrolepidotus	FPT	
5.	Longfin smelt Spirinchus thaleichthys	FC	
6.	Spring-run Chinook salmon Oncorhynchus tshawytscha	PP	
7.	San Joaquin fall-run Chinook salmon Oncorhynchus tshawytscha	PP	
8.	Green sturgeon Acipenser medirostris	FC	

AMPHIBIANS

Species	
1. Red-legged frog Rana aurora draytonii	FPE
 California tiger salamander Ambystoma californiense 	FC

REPTILES

Species		Status'
 Giant garter snak Thamnophis couch 		ST, FT
2. Southwestern pond Clemmys marmorat		FC

(Reptiles continued)

Species	Status ^{1/}
3. Northwestern pond turtle C.m. marmorata	FC
PLANTS	
<u>Species</u>	Status ^{1/}
1. Delta button celery Eryngium racemosum	SE, FC
 Contra Costa wallflower Erysimum capitatum var angustatum 	SE, FE
 Antioch Dunes evening-primrose Oenothera deltoides spp. howellii 	SE, FE
4. Mason's lilaeopsis Lilaeopsis masonii	SR, FC
5. San Joaquin spearscale Atriplex joaquiniana	FC
6. California beaked-rush Rhynchospora californica	FC
7. California hibiscus (Rose-mallow) Hibiscus lasiocarpus	FC
8. Delta tule pea Lathyrus jepsonii spp. jepsonii	FC
9. Crampton's tuctoria Tuctoria mucronata	SE, FE
10. Contra Costa goldfields Lasthenia conjugens	FC
11. Sandford's arrowhead Sagittaria sanfordii	FC
INSECTS	
Species	Status ^{1/}
 Lange's metalmark butterfly Apodemia mormo langei 	FE

(Insects continued)

Sp	ecies	Status ¹
2.	Valley elderberry longhorn beetle Desmocerus californicus dimorphus	FT
3.	Sacramento anthicid beetle Anthicus sacramento	FC
4.	Delta green ground beetle Elaphrus viridis	FT
5.	Antioch anthicid beetle Anthieus antiochensis	FC

OTHER INVERTEBRATES

Spe	<u>ecies</u>	Status ^{1/}
1.	Longhorn fairy shrimp Branchinecta longiantenna	FE
2.	California freshwater shrimp Syncaris pacifica	SE, FE
3.	Conservancy shrimp Branchinecta conservatio	FE
4.	Vernal pool fairy shrimp Branchinecta lynchi	FT
5.	California linderiella Linderiella occidentalis	FPE '
6.	Vernal pool tadpole shrimp Lepidurus packardi	FE

1/ SE = State endangered; ST = State threatened; SC = State
 Candidate, FE = Federally endangered; FT = Federally threatened;
 FC = Federal candidate species; FPE = Federally proposed
 endangered; PP = Petition pending requesting consideration for
 Federal listing.

Table 2. State-Listed Endangered or Threatened Species in Upstream and Downstream Areas and in Service Areas of the Delta Wetlands Project That Could be Directly or Indirectly Affected by the Proposed Delta Wetlands Project.

BIRDS

Spe	Species	
1.	California condor Gymnogyps californianus	SE, FE
2.	Bald eagle Haliaeetus leucocephalus	SE, FT
3.	American peregrine falcon Falco peregrinus anatum	SE, FE
4.	Light-footed clapper rail Rallus longirostris levipes	SE, FE
5.	California black rail Laterallus jamaicensis coturniculus	ST, FC
6.	California least tern Sterna antillarum browni	SE, FE
7.	Western yellow-billed cuckoo Coccyzus americanus occidentalis	SE, FC
8.	Least Bell's vireo Vireo bellii pusillus	SE, FE
9.	Belding's savannah sparrow Passerculus sandwichensis beldingi	SE, FC
10.	California brown pelican Pelecanus occidentalis californicus	SE, FE
11.	California clapper rail Rallus longirostris obsoletus	SE, FE
12.	Saltmarsh common yellow throat Geothlypis trichas spp. sinuosa	FC
13.	Western snowy plover Charadrius alexandrinus nivosus	FT
	Suisun song sparrow Melospiza melodia maxillaris	FC

(Birds continued)

Spe	Species S	
15.	California horned lark Eremophila alpestris actia	FC
16.	Ferruginous hawk Buteo regalis	FC
17.	Mountain plover Charadrius montanus	FC
18.	Southwestern willow flycatcher Empidonax traillii extimus	FPE

MAMMALS

Species	<u>Status</u>
 San Joaquin antelope squirrel Ammospermophilus nelsoni 	ST, FC
2. Mohave ground squirril Spermophilus mohavensis	ST
3. Morro Bay kangaroo rat Dipodomys heermanni morroensis	SE, FE
4. Giant kangaroo rat Dipodomys ingens	SE, FE
5. Stephens' kangaroo rat Dipodomys stephensi	ST, FE
6. Fresno kangaroo rat Dipodomys nitratoides exilis	SE, FE
7. Tipton kangaroo rat Dipodomys nitratoides nitratoi	des SE, FE
8. San Joaquin kit fox Vulpes macrotis mutica	ST, FE
9. Salt marsh harvest mouse	

(Mammals continued)

<u>Species</u>		Status
12.	Townsend's western big-eared bat Plecotus townsendii townsendii	FC
13.	Greater western mastiff bat Eumops perotis californicus	FC
14.	Short nosed kangaroo rat Dipodomys nitratoides brevinasus	FC

FISHES

<u>Species</u>	
1. Unarmored threespine stickleback Gasterosteus aculeatus williamsoni	SE, FE
2. Winter-run chinook salmon Oncorhynchus tshawytscha	SE, FE
3. Tidewater goby Eucyclogobius newberryi	FE
4. Mohave tui chub Gila bicolor mohavensis	SE, FE

AMPHIBIANS

<u>Species</u>	
1. Tehachapi slender salamander Batrachoceps stebbinsi	ST
2. Shasta salamander Hydromantes shastae	ST
3. Limestone salamander Hydromantes brunus	FC, ST
4. Foothill yellow-legged frog Rana boylii	FC

REPTILES

Spe	cies	Sta	tus
1.	Coachella Valley fringe-toed lizard Uma inornata	SE,	FT
2.	Blunt-nosed leopard lizard Gambelia silus	SE,	FE
3.	Alameda whipsnake Masticophis lateralis euryxanthus	ST,	FPE
4.	Giant garter snake Thamnophis couchii gigas	ST,	FT
5.	Southern rubber boa Charina bottae umbratica	ST,	FC
6.	San Francisco garter snake Thamnophis sirtalis tetrataenia	SE,	FE
	INSECTS		
Spe	cies	Stat	us
1.	San Joaquin dune beetle Coelus gracilis	FC	
2.	Ciervo aegialian scarab beetle Aegialia concinna	FC	
	PLANTS	,	
Spe	<u>cies</u>	Stat	us
1.	Succulent owl's-clover Orthocarpus campestris var succulentus	SE,	FC
2.	Hairy Orcutt grass Orcuttia pilosa	SE,	FPE
3.	San Joaquin Valley Orcutt grass Orcuttia inaequalis	SE,	FPE
4.	Colusa grass Neostapfia colusana	SE,	FPT
5.	Merced clarkia Clarkia lingulata	SE .	FC

(Plants Continued)

Spe	cies	Sta	tus
6.	Coastal Dunes milk vetch Astragalus tener var titi	SE,	FC
7.	Slender-horned spineflower Centrostegia leptoceras	SE,	FE
8.	Salt marsh bird's-beak Cordylanthus maritimus ssp. maritimus	SE,	FE
9.	Nevin's barberry Mahonia nevinii	SE,	FC
10.	Thread-leaved brodiaea Brodiaea filifolia	SE,	FC
11.	Santa Ana River woollystar Eriastrum densifolium ssp. sanctorum	SE,	FE
12.	Bakersfield saltbush Atriplex tularensis	SE,	FC
13.	Tulare pseudobahia Pseudobahia peirsonii	SE,	FPE
14.	Hearst's manzanita Arctostaphylos hookeri ssp. hearstiorum	SE,	FC
15.	Indian knob mountainbalm Eriodictyon altissimum	SE,	FPE
16.	Nipoma mesa lupine Lupinus nipomensis	SE,	FC
17.	Contra Costa wallflower Erysimum capitatum var.angustatum	SE,	FE
18.	Antioch Dunes evening-primrose Oenothera deltoides var. howellii	SE,	FE
19.	Sacramento Orcutt grass Orcuttia viscida	SE,	FPE
20.	Crampton's tuctoria Tuctoria mucronata	SE,	FE
21.	Butte County meadowfoam Limnanthes floccosa ssp. californica	SE.	FE

(Plants Continued)

Spe	<u>cies</u>	Stat	tus
22.	Indian Valley brodiaea Brodiaea coronaria ssp. rosea	SE,	FC
23.	Kaweah brodiaea Brodiaea insignis	SE,	FC
24.	Striped adobe lily Fritillaria striata	ST,	FC
25.	Pitkin Marsh Indian paintbrush Castilleja uliginosa	SE,	FC
26.	Slough thistle Cirsium crassicaule	FC	
27.	Dunn's mariposa lily Calochortus dunnii	SR,	FC
28.	Conejo buckwheat Eriogonum crocatum	SR,	FC
29.	Mexican flannelbush Fremontodendron mexicanum	SR,	FC
30.	Santa Susana tarplant Hemizonia minthornii	SR,	FC
31.	Santa Ynez false-lupine Thermopsis macrophylla var aqnina	SR,	FC
32.	Soft bird's-beak Cordylanthus mollis ssp. mollis	SR,	FC
33.	Parish's checkerbloom Sidalcea hickmanii ssp. parishii	SR,	FC
34.	Red rock tarplant Hemizonia arida	SR,	FC
35.	Dwarf goldenstar Bloomeria humilis	SR,	FC
36.	Hearst's ceanothus Ceanothus hearstiorum	SR,	FC
37.	Maritime ceanothus Ceanothus maritimus	SR,	FC

(Plants Continued)

Spe	<u>cies</u>	Stat	tus
38.	Pismo clarkia Clarkia speciosa ssp. immaculata	SR,	FPE
39.	Dudley's lousewort Pedicularis dudleyi	SR,	FC
40.	Adobe sanicle Sanicula maritima	SR,	FC
41.	Cuesta Pass checkerbloom Sidalcea hickmanii ssp. anomala	SR,	FC
42.	Hispid bird's-beak Cordylanthus mollis ssp. hispidus	FC	
43.	Suisun marsh aster Aster chilensis var. lentus	FC	
44.	Recurved larkspur Delphinium recurvatum	FC	
45.	California jewelflower Caulanthus californicus	SE,	FE

SE = State endangered; ST = State threatened; FE = Federally
endangered; FT = Federally threatened; FC = Federal
candidate species; FPE = Federally proposed endangered; FPT =
Federally proposed threatened; SR = State rare.

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Sacramento Field Office
2800 Cottage Way, Room E-1803
Sacramento, California 95825-1846

In Reply Refer To: 1-1-94-TA-1671

October 24, 1994

Mr. Kenneth M. Bogdan Jones & Stokes Associates, Inc. 2600 V Street, Su**ti**e 100 Sacramento, California 95818-1914

Subject: Updated Species List for the Proposed Detla Wetlands' Delta

Island Project, Lafayette, Contra Costa County, California

Dear Mr. Bogdan:

The enclosed updated list replies to your letter of August 23, 1994, requesting information on listed and proposed endangered and threatened species that may occur within the proposed planning area (Enclosure A). Some pertinent information concerning the distribution, life history, habitat requirements, and published references for the listed species is also enclosed.

Information and maps concerning candidate species in California are available from the California Natural Diversity Data Base, a program of the California Department of Fish and Game. Address your request to: Marketing Manager, California Department of Fish and Game, Natural Diversity Data Base, 1416 Ninth Street, Sacramento, California 95814 [(916) 324-0562]. You should also request additional information from the Chief, California Department of Fish and Game, Non-Game Heritage Program (916) 324-8348.

All listed species identified in Enclosure A are fully protected under the mandates of the Endangered Species Act, as amended, (Act). Section 9 of the Act and its implementing regulations prohibit the "take" of a federally listed wildlife species. Take is defined by the Act "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such wildlife species. Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR § 17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding, or carrying out of this project, then initiation of formal consultation between that agency and the Fish and Wildlife Service (Service) pursuant to Section 7 of the Act is required if it is determined that the proposed project may affect a federally listed species. Such consultation would result in a

biological opinion that addresses anticipated effects of the project to listed and proposed species and may authorize a limited level of incidental take. If a Federal agency is not involved with the project, and federally listed species may be taken as part of the project, then an "incidental take" permit pursuant to Section 10(a) of the Act should be obtained. The Service may issue such a permit upon completion by the permit applicant of a satisfactory conservation plan for the listed species that would be affected by the project.

Because federally listed species may be found in the project area, we recommend that surveys for them be undertaken by qualified biologists during or prior to the environmental review process. We also recommend that surveys be undertaken for the candidate species included in Enclosure A. The results of these surveys should be published in any environmental documents prepared for this project.

Should these surveys determine that federally listed species occur in the area and are likely to be affected by the proposed project, the Service recommends that the project proponent, in consultation with this office and the California Department of Fish and Game, develop a plan that mitigates for the project's direct and indirect impacts to listed species and compensates for project-related loss of habitat. The mitigation plan also should be included in the environmental document.

Should you determine that a proposed species may be adversely affected, then you should consider necessary planning alternatives should a proposed species become listed before completion of a project.

We also recommend addressing adverse impacts to candidate species. One of the benefits of considering these species early in the planning process is that by exploring alternatives, it may be possible to avoid conflicts that could develop, should a candidate species become listed before the project is complete.

We appreciate your concern for endangered species. If you have further questions, please call Laurie Stuart Simons of the staff at (916) 978-4866. For questions regarding Wetlands, please contact Mike Aceituno at (916) 978-5801.

Sincerely,

Joel A. Medlin Field Supervisor

Enclosures

cc: FWS-SFO (Wetlands Branch)

ENCLOSURE A

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES THAT MAY OCCUR IN THE AREA OR MAY BE AFFECTED BY THE PROPOSED DELTA WETLANDS' DELTA ISLAND PROJECT, LAFAYETTE,

CONTRA COSTA COUNTY CALIFORNIA

(1-1-94-TA-1671, OCTOBER 24, 1994)

Listed Species

Fish

winter-run chinook salmon, Oncorhynchus tshawytscha (E) delta smelt, Hypomesus transpacificus (T)

Reptiles

giant garter snake, Thamnophis gigas (T)

Birds

bald eagle, Haliaeetus leucocephalus (E) American peregrine falcon, Falco peregrinus anatum (E) Aleutian Canada goose, Branta canadensis leucopareia (T)

Invertebrates

valley elderberry longhorn beetle, Desmocerus californicus dimorphus (T)

Plants

Antioch Dunes evening-primrose, Oenothera deltoides ssp. howellii (E)

Proposed Species

Fish

Sacramento splittail, Pogonichthys macrolepidotus (PT)

Amphibians

California red-legged frog, Rana aurora draytonii (PE)

Reptiles

giant garter snake, Thamnophis gigas (T)

Candidate Species

Fish

Sacramento perch, Archoplites interruptus (2) green sturgeon, Acipenser medirostris (2R) longfin smelt, Spirinchus thaleichthys (2)

Amphibians

California tiger salamander, Ambystoma californiense (1) California red-legged frog, Rana aurora draytonii (PE)

Candidate Species Continued

Reptiles

northwestern pond turtle, Clemmys marmorata marmorata (2)

Birds

California black rail, Laterallus jamaicensis coturniculus (1) tricolored blackbird, Agelaius tricolor (2) ferruginous hawk, Buteo regalis (2) white-faced ibis, Plegadis chihi (2) loggerhead shrike, Lanius ludovicianus (2) black rail, Laterallus jamaicensis (2)

Mammals

San Joaquin Valley woodrat, Neotoma fuscipes riparia (2)
Pacific western big-eared bat, Plecotus townsendii townsendii (2)
greater western mastiff-bat, Eumops perotis californicus (2)
riparian brush rabbit, Sylvilagus bachmani riparius (1)
San Francisco dusky-footed woodrat, Neotoma fuscipes annectens (2)

Invertebrates

Sacramento Valley tiger beetle, Cicindela hirticollis abrupt (2) curved-foot hygrotus diving beetle, Hygrotus Curvipes (2) Ciervo aegialian scarab beetle, Aegialia concinna (1) San Joaquin dune beetle, Coelus gracilis (1) Sacramento anthicid beetle, Anthius sacramento (2) Antioch Dunes anthicid beetle, Anthicus antiochensis (2) Antioch cophuran robberfly, Cophura hurdi (2) Antioch efferian robberfly, Efferia antiochi (2) yellow-banded andrenid bee, Perdita hirticeps luteocincta (2) Antioch andrenid bee, Perdita scitula antiochensis (2) Antioch mutillid wasp, Myrmosula (myrmosa) pacifica (2) Antioch sphecid wasp, Philanthus nasalis (2) Middlekauf's shieldback katydid, Idiostatus middlekauffi (2)

Plants

Suisun Marsh aster, Aster lentus (2)
heartscale, Atriplex cordulata (2)
valley spearscale, Atriplex joaquiniana (2)
Brewer's dwarf-flax, Hesperolinon breweri (2)
Northern California black walnut, Juglans californica var. hindsii (2)
delta tule-pea, Lathyrus jepsonii var. jepsonii (2)
Mason's lilaeopsis, Lilaeopsis masonii (2)
caper-fruited tropidocarpum, Tropidocarpum capparideum (2*)

- (E)--Endangered (T)--Threatened (P)--Proposed (CH)--Critical Habitat
- (1)--Category 1: Taxa for which the Fish and Wildlife Service has sufficient biological information to support a proposal to list as endangered or threatened.
- (2)--Category 2: Taxa for which existing information indicated may warrant listing, but for which substantial biological information to support a proposed rule is lacking.
- (1R)-Recommended for Category 1 status.
- (2R)-Recommended for Category 2 status.
- (•)--Listing petitioned.
- (*)--Possibly extinct.